



MISYON NG PILIPINAS SA MGA NAGKAKAISANG
BANSANG AT IBA PANG SAMAHANG PANDAIGDIG

PHILIPPINE MISSION TO THE UNITED NATIONS
AND OTHER INTERNATIONAL ORGANIZATIONS

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The Permanent Mission of the Philippines to the United Nations Office and other International Organizations in Geneva presents its compliments to the Office of the High Commissioner for Human Rights (OHCHR) and with reference to the latter's Notes dated 26 February 2007 and 24 April 2007 requesting inputs relevant to Human Rights Council decision 2/104 entitled "Human rights and access to water", has the honor to transmit the Philippines' submission.

The Permanent Mission of the Philippines avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights the assurances of its highest consideration.

Geneva, 11 May 2007



OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS
Palais des Nations CH-1211 Geneva 10

OHCHR REGISTRY

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**Philippines' submission on Human Rights Council decision 2/104,
"Human rights and access to water"**

- The Philippines signed the International Covenant on Economic, Social and Cultural Rights on 19 December 1966 and ratified it on 07 June 1974. Articles 11 and 12 of the instrument guarantees the individual's rights to an adequate standard of living and health, respectively.
- The Metropolitan Waterworks and Sewerage System (MWSS), at 125 years old, stands as one of the oldest in Asia. The first system was constructed in 1878 with a 15 million liters per day (MLD) capacity.
- In 1955, the National Waterworks and Sewerage Authority was created to take over water supply and sewerage services for the whole country.
- In June 1971, Republic Act No. 6234 was enacted dissolving NAWASA and creating the present MWSS. RA 6234 mandates that MWSS operate and maintain water and sewerage services in Metropolitan Manila as an autonomous government owned and controlled corporation, with jurisdiction and control over all waterworks and sewerage systems in a service area including the National Capital Region, the entire province of Rizal and part of the province of Cavite, a territory of more than 200,000 hectares.
- By the early 1980's the Metro Manila area was experiencing increased industrialization and sustained population growth. In addition, the water distribution and sewerage collection networks managed by MWSS had deteriorated and urgently required rehabilitation and expansion to meet the region's increasing demands. In 1997 the government privatized MWSS by awarding two private concession contracts.
- At the time of takeover by the Concessionaires in 1997, MWSS was producing an estimated 3200 MLD of potable water to an area of competence which consists of approximately 1274 km² of urban area with 11.0 million inhabitants. Total population connected to the water distribution network is 65%, while the remaining 35% are served by private/individual deepwells.
- Provincial water supply development lies with the water districts, which in turn, are under the control and jurisdiction of the Local Water Utilities Administration (LWUA).
- LWUA was created in 1973 with the enactment of Presidential Decree (PD) No. 198, otherwise known as the *Provincial Water Utilities Act of 1973*.
- PD 198, as amended, mandated LWUA to promote, develop and finance potable water supply systems in population centers in the Philippine countryside. As lead agency of the government for water supply development in the provinces, LWUA provides financial, technical and institutional development assistance to water districts that are in effect the operators and

owners of local water systems in the various cities and municipalities all over the country.

- The agency has to date established some 584 water districts covering about 691 cities and towns outside Metro Manila. It has completed a total of 1,431 water supply projects while extending P17 billion in loans to the districts of which P11 million has been availed to the benefit of some 12 million Filipinos enjoying improved water supply in their respective localities.
- PD 198 also provided for the formation of Water Districts. A Water District is a local corporate entity established on local option basis to operate a water supply system in one or more provincial cities and municipalities. It is formed in either urban or rural communities outside of the geographical jurisdiction of Metro Manila.
- As regards, sanitation, in 1998, about 19 percent of households or 2.3 million households did not have access to sanitary toilet facilities. Around 92.3 percent of the population had access to sanitary toilets compared to 69.8 percent in the rural communities (NDHS). Among poor families, 67.4 percent have access, while non-poor families have greater access at 89.4 percent.
- It is also estimated that only about seven percent of the populations are connected to sewer. Access to sanitary toilet facility, either household or public toilet, remains a problem. According to the 1995 Urban Health and Nutrition Baseline Studies, some reasons for not having toilet were lack of space and money to build one.
- For Metropolitan Manila, data for 2006 indicate that about eight percent of its total population has access to sewerage facilities. This represents a total of 99,400 sewer service connections. The rest of the population is served by on-site sanitation. Majority of these households have toilets that are connected to septic tanks which provide primary treatment.
- Enumerated below are the legislative and executive issuances related to equitable access to safe drinking water and sanitation:
 - Presidential Decree No. 856, otherwise known as the *Sanitation Code*, updates and collates all sanitary laws to ensure that they are in keeping with modern standards of sanitation.
 - Presidential Decree No. 1151 requires all instrumentalities of the government and all private corporations and entities to prepare, file and include in every action, project or undertaking which significantly affects the quality of the environment a detailed statement of the environmental impact of the proposed action.
 - Republic Act No. 9275, otherwise known as the *Clean Water Act*, covers the management of all water resources in the country and control of potential sources of water pollution.

- Presidential Decree No. 1152, otherwise known as *Philippine Environment Code*, enunciates the country's environmental management policies and environmental quality standards aimed at protecting and improving the country's water, air and land resources.
 - Presidential Decree No. 1586 establishes the *Environment Impact Statement System*, which is founded and based on the environmental impact statement required in PD 1151.
 - Presidential Decree No. 984, otherwise known as the *Pollution Control Law*, authorizes the National Pollution Control Commission to order the immediate discontinuance of discharge of sewage, industrial wastes, or other wastes into the water, air or land.
 - Republic Act No. 4850, also known as the *Laguna Lake Development Authority (LLDA) Act of 1966*, provides for the creation of the LLDA. The LLDA has been tasked with carrying out the social and economic development of the Laguna Lake region with due regard and adequate provisions for environmental management and control, preservation of the quality of human life and ecological systems, and the prevention of undue ecological disturbances, deterioration, and pollution.
 - Republic Act No. 6969, otherwise known as *Toxic Substance and Hazardous Wastes Act*, encourages proper management of hazardous wastes by promoting, in order of preference: minimization of generation; recycling and reuse; treatment to render hazardous waste harmless; and landfill of inert residues.
- In 1998, The Department of Environment and Natural Resources adopted the *Ecowatch* project, the Department's compliance monitoring system which provides promotion of waste minimization, pollution prevention and clean technology. The project's objectives are to promote compliance with existing environmental laws, rules and regulations through public pressure and scrutiny; encourage pollution reduction beyond compliance through public recognition and praise; create incentives for polluters to develop internal environmental management systems; and develop the foundations for ISO 14000. *Ecowatch* does not only identify major polluters but rates all industrial firms in terms of their environmental management performance through a color coding system. Colors range from Gold for companies that reached excellent levels of environmental management; Green for companies that have reached very good levels; Blue for those firms that achieve baseline compliance with applicable environmental regulations consistently for at least one year; Red and Black ratings reflect the lowest ratings meaning they're the most polluting firms.
 - The Department of Science and Technology (DOST) adopted the *Integrated Program for Clean Technologies* as one of its flagship programs. The program aims to promote sustainable development and strengthen the competitiveness of Philippine industries, especially small and medium enterprises (SMEs), by providing them with technical information and implementation assistance in

adopting clean technologies (CT). They thus formulate guidelines and policies for the promotion of CT, provide information, decision support and implementation assistance to SMEs adopting cleaner production techniques and CT, provide industrial extension services to regional SME processing plants and evaluate the economic and environmental impacts of adopting CT on the environment.

- Following are jurisprudence which emphasize on sanitation:
 - *Laguna Lake Development Authority v. Court of Appeals, G.R. No. 110120, 16 March 1994.* Facts: A group of residents calling themselves the Task Force Camarin Dumpsite of Our Lady of Lourdes Parish, Camarin, Caloocan City, filed a complaint with the Laguna Lake Development Authority seeking to stop the operation of the 8.6-hectare open dumpsite in the Tala Estate of Barangay Camarin. They alleged that the dumpsite poses hazards to the health of the residents and pollute the waters of the Laguna Lake. The Laguna Lake Development Authority (LLDA) issued a cease and desist order against the City Government of Caloocan enjoining the dumping of garbage in the area. The City Government questioned the power and authority of the LLDA to issue the cease and desist order. Issue: Is the LLDA authorized to order the City Government of Caloocan to desist from dumping garbage in the river? Held: By its express terms, Republic Act No. 4850, *An Act Creating the Laguna Lake Development Authority*, authorizes the LLDA to “make, alter or modify orders requiring the discontinuation of pollution.” Sec. 4, paragraph (d) explicitly authorizes the LLDA to make whatever order may be necessary in the exercise of its jurisdiction.
 - *Tatel v. Socrates, G.R. No. 110249, 21 August 1997.* Facts: To curtail the practice of cyanide fishing, the Legislative Council of Puerto Princesa City passed an ordinance banning the export of live fish from the city. On another level, the *Sanguniang Panlalawigan* of the Province of Palawan also passed an ordinance prohibiting the catching of certain coral-dwelling aquatic organisms for a period of five (5) years. Petitioners questioned these ordinances on the ground that these ordinances have, in effect, deprived them of their livelihood without due process of law. Issue: Are these ordinances valid? Held: The ordinances in question are meant precisely to protect and conserve our marine resources to the end that their enjoyment may be guaranteed not only for the present generation, but also for generations to come. What must likewise be borne in mind is the State policy enshrined in the Constitution regarding the duty of the State to protect and advance the right of the people to a healthful and balances ecology in accord with the rhythm and harmony of nature. The general welfare clause of the Local Government Code of 1991 expressly mentions this right when it states that “within their respective territorial jurisdictions, local government units shall ensure and support, among others, the preservation and enrichment of culture, and enhance the right of the people to a balance ecology.”